

**A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE**

00-0-1679
2-00-90

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA, AS AMENDED, SO AS TO CREATE A NEW SUBAREA TO BE ENTITLED THE SPRINGDALE/OAKDALE/LULLWATER SUBAREA OF THE DRUID HILLS LANDMARK DISTRICT, 20B; TO ESTABLISH NEW REGULATIONS FOR SAID SUBAREA OF THE DRUID HILLS LANDMARK DISTRICT; TO ENACT, BY REFERENCE AND INCORPORATION, A MAP ESTABLISHING THE BOUNDARIES OF SAID SUBAREA OF THE DRUID HILLS LANDMARK DISTRICT; AND TO DESIGNATE AND ZONE ALL PROPERTIES LYING WITHIN THE BOUNDARIES OF SAID SUBAREA OF THE DRUID HILLS LANDMARK DISTRICT TO THE ZONING CATEGORY OF LANDMARK DISTRICT (LD) PURSUANT TO CHAPTER 20 OF THE ZONING ORDINANCE OF THE CITY OF ATLANTA, REZONING FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO LD20B DRUID HILLS LANDMARK DISTRICT; TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

The City Council of the City of Atlanta, Georgia hereby ordains:

SECTION 1. That the properties to be designated as the Springdale/Oakdale/Lullwater Subarea of the Druid Hills Landmark District, as shown and more fully described in Attachment "A" to this ordinance, which attachment is incorporated herein, meet the criteria for Landmark District as set forth in the Nomination Resolution of the Urban Design Commission attached hereto as Attachment "B" and incorporated herein, and are hereby determined to be a new subarea of the Druid Hills Landmark District pursuant to Chapter 20 of the 1982 Zoning Ordinance of the City of Atlanta, as amended.

SECTION 2. That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended by designating said properties described in Attachment "A" to the zoning category "Landmark District" pursuant to Section 16-20.006 of the 1982 Zoning Ordinance of the City of Atlanta, as amended.

SECTION 3. That the boundaries of the Springdale/Oakdale/Lullwater Subarea within the Druid Hills Landmark District shall be established as shown on the attached map marked Attachment "A", which attached map is incorporated herein.

SECTION 4. That the official zoning map of the City of Atlanta, now on file with the office of the Clerk of Council, be and is hereby amended so as to provide that the properties lying within said Springdale/Oakdale/Lullwater Subarea of the Druid Hills Landmark District bear the zoning designation "Landmark District," which designation shall be officially abbreviated as "LD" and which shall supplant the abbreviation for the existing R-3 zoning classification on said map.

SECTION 5. That the 1982 Zoning Ordinance of the City of Atlanta, as amended, is hereby further amended by adding subarea regulations for the Springdale/Oakdale/Lullwater Subarea, to be placed in Chapter 20B by amending certain parts therein and by deleting and inserting language in said Chapter 20B which shall read as shown in Attachment "C." The new subarea regulations, amendments to existing parts, and the deletion and addition of language as set forth in Attachment "C" are incorporated in this ordinance by this reference to the said Attachment "C" and adopted by this ordinance as if the same had been fully stated herein.

SECTION 6. All properties lying within said Springdale/Oakdale/ Lullwater Subarea of the Druid Hills Landmark District shall be subject to the Springdale/Oakdale/Lullwater Subarea regulations as set out in Section 16-20B.006, the General Regulations as set out in Section 16-20B.003 of the existing Druid Hills Regulations and the general regulations governing landmark districts contained in Chapter 20 of the 1982 Zoning Ordinance, as amended, as well as any other applicable laws and regulations.

SECTION 7. That all ordinances or parts of ordinances in conflict with this ordinance are repealed.

ATTACHMENT "C"

Attachment C – Part 1.

That Section 16-20B.002 which reads as follows:

Sec. 16-20B.002. Division into subareas

The Druid Hills Landmark District is divided into two (2) subareas for regulatory purposes. The two subareas are as follows:

1. Ponce de Leon Corridor
1. Fairview Road

shall be amended to read as follows:

Sec. 16-20B.002. Division into subareas

The Druid Hills Landmark District is divided into three (3) subareas for regulatory purposes. The three (3) subareas are as follows:

1. The Ponce de Leon Corridor
1. Fairview Road
2. Springdale/Oakdale/Lullwater

Attachment C – Part 2.

That the first sentence of the first paragraph of Section 16-20B.003 which reads as follows:

The following general regulations shall apply to the entire district which includes (1) the Ponce de Leon Corridor and (2) Fairview Road.

shall be amended to read as follows:

The following general regulations shall apply to the entire district which includes (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale/Oakdale/Lullwater.

No other language of Section 16-20B.003 is intended to be repealed, superseded or otherwise changed and shall remain in full force and effect.

Attachment C – Part 3.

That the language of Section 16.20B.006 be stricken in its entirety and replaced with the following:

Sec.16-20B.006. Springdale/Oakdale/Lullwater regulations.

The following regulations shall apply to any proposed development on any property located on Springdale Road, Oakdale Road, Lullwater Road or Lullwater Parkway:

(4) Permitted principal uses and structures:

a. Single-family dwellings

1. Parks, playgrounds and community buildings owned and operated by a governmental agency.

(2) Permitted accessory uses and structures:

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter.

5. Greenhouse, fallout shelter, garden shed, private garage, storage room.
- a. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
- b. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
6. Home occupations.

(3) Minimum lot requirements:

1. Lot width: Each lot shall have a minimum lot width of 100 feet.
2. Lot area: Each lot shall contain a minimum lot area of 38,000 square feet.

- (4) Lot coverage:** Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.

(5) Minimum yard requirements:

a. Setbacks:

9. West side of Springdale Road, Ponce de Leon Avenue to City limit:
Front yard: 120 feet.
Side yards: 25 feet.
Rear yard: 50 feet.
10. East side of Springdale Road, Ponce de Leon Avenue to City limit:
Front yard: 100 feet.
Side yards: 25 feet.
Rear yard: 100 feet.
11. West side of Oakdale Road, Ponce de Leon Avenue to City limit:

- Front yard: 110 feet.
Side yards: 20 feet.
Rear yard: 100 feet.
12. East side of Oakdale Road, Ponce de Leon Avenue to City limit:
Front yard: 110 feet.
Side yards: 20 feet.
Rear yard: 100 feet.
13. West side of Lullwater Road, Ponce de Leon Avenue to City limit:
Front yard: 125 feet.
Side yards: 25 feet.
Rear yard: 100 feet.
14. East side of Lullwater Road, Ponce de Leon Avenue to City limit:
Front yard: 75 feet.
Side yards: 20 feet.
Rear yard: 50 feet.
15. East side of Lullwater Parkway, to City limit:
Front yard: 140 feet.
Side yards: 25 feet.
Rear yard: 100 feet.
16. East side of Lullwater Parkway, to City limit :
Lullwater Conservation Garden.

- (2) Maximum height: No building shall exceed a height of 35 feet.

Attachment C – Part 4.

That the language of Section 16.20B.007 be stricken in its entirety and replaced with the following:

Sec. 16-20B.007. Status of permits issued or application filed prior to the adoption of the Landmark District Regulations.

When an application, including plans, has been filed or when a building permit has been issued, prior to the effective date of this chapter, or an amendment, nothing contained shall require any changes in the plans, construction, size or designated use of a building, structure or part thereof if construction under such plans or permit is begun within 180 days of the effective date of this chapter. Where there are changes required under this chapter or an amendment thereto, failure to begin construction within 180 days, or discontinuance of construction for 180 days, shall have the effect of voiding the permit. In such case, the director, bureau of buildings, shall require a new permit, which shall be governed by regulations currently in effect.

Attachment C – Part 5.

That a new section to be identified as Section 16-20B.008 be adopted to read as follows:

Sec. 16-20B.008. Variances and appeals.

- (1) The board of zoning adjustment shall have the power to hear, grant or deny variances from the sections of this chapter as so listed below as will not be contrary to the public interest when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship, provided that the spirit of the chapter shall be preserved, public welfare and safety secured, and substantial justice done.

Section 16-20B.003(1)a. and c.

Section 16-20B.004(4), (5) and (6).

Section 16-20B.005(3), (4), (5) and (6).

Section 16-20B.006(3), (4), (5) and (6).

The procedure for such variances shall be as so specified in chapter 26 of this part.

- (2) The urban design commission shall have the power to hear, grant or deny variances from the sections of this chapter as so listed below as will not be contrary to the public interest when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship, provided that the spirit of the chapter shall be preserved, public welfare and safety secured, and substantial justice done.

Section 16-20B.003(3).

Section 16-20B.004(2).

Section 16-20B.005(2).

Section 16-20B.006(2).

The procedures for such variances shall be the same as so specified in chapter 26 of this part for the board of zoning adjustment.

- (3) Appeals from decisions of any administrative officials shall be made to the urban design commission, the same as so specified for the board of zoning adjustment in section 16-30.010, chapter 30 of this part.

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attached